

STANDARD APPLICATION

Harford County Board of Appeals

Bel Air, Maryland 21014

JAN 27 2009

Case No. 5398
 Date Filed 1/23/09
 Hearing Date _____
 Receipt _____
 Fee \$400-

Shaded Areas for Office Use Only

Type of Application

Nature of Request and Section(s) of Code _____

_____ Administrative Decision/Interpretation **CASE 5398 MAP 40 TYPE Special Exception**
☒ Special Exception
 _____ Use Variance **ELECTION DISTRICT 3 LOCATION Par. C1 off Robin Circle Greater Harford Industrial Center**
 _____ Change/Extension of Non-Conforming **BY (OWNER: Bynum Run LLC, 15 West Aylesbury Road, Ste. 400, Timonium, Md. 21093)**
 _____ Minor Area Variance **O'Brien Property Management LLC, 400 Tall Sycamore Court, Bel Air, Md. 21014**
 _____ Area Variance
 _____ Variance from Requirements of the C **Appealed because a special exception pursuant to Section 267-53C(4)(b) of the Harford County Code**
 _____ Zoning Map/Drafting Correction **to allow a day care center in a GI District requires approval by the Board.**

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name Bynum Run LLC Phone Number call attorney

Address 15 West Aylesbury Road, Suite 400 Timonium MD 21093
Street Number Street City State Zip Code

Co-Applicant O'Brien Property Management LLC Phone Number call attorney

Address 400 Tall Sycamore Court Bel Air MD 21014
Street Number Street City State Zip Code

Contract Purchaser O'Brien Property Management LLC Phone Number call attorney

Address 400 Tall Sycamore Court Bel Air MD 21014
Street Number Street City State Zip Code

Attorney/Representative John J. Gessner Phone Number 410-893-7500

Address 11 S. Main Street, P.O. Box 1776 Bel Air MD 21014
Street Number Street City State Zip Code

Land Description

Address and Location of Property Par C1 14.53 AC off Robin Circle Gr Harf Ind Ctr P81/93

Subdivision Bynum Run Business Center Lot Number C1

Acreage/Lot Size _____ Election District Third Zoning GI

Tax Map No. 40 Grid No. 1F Parcel 382 Water/Sewer: Private _____ Public X

List ALL structures on property and current use: vacant

Estimated time required to present case: 30 minutes

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No X

If so, what is the Critical Area Land Use designations: N/A

Is this request the result of a zoning enforcement investigation? Yes _____ No X

Is this request within one (1) mile of any incorporated town limits? Yes _____ No X

Request

see attached

Justification

see attached

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

ATTACHMENT TO APPLICATION OF BYNUM RUN, LLC

REQUEST:

A special exception pursuant to Section 267-53(C)(4)(b) of the Harford County Zoning Code ("Code") to permit a day care center on the subject property, zoned GI, General Industrial, as shown on the attached site plan.

JUSTIFICATION:

The proposed use is compatible with uses permitted as a matter of right in the GI District and will cause no adverse impact. There is a need for day care facilities in the area surrounding the subject property, which the proposed use will serve.

EXTEND DRAINAGE CHANNEL
TO LOT 8B PROPERTY LINE
(CAPACITY OF EXISTING POND
STILL TO BE DETERMINED)

MsB2

LOT ⑧
3.5341 ACRES

PROP 20' WIDE DRAINAGE & UTILITY EASEMENT
FOR LOT 8A TO OUFALL TO DRAINAGE CHANNEL

40' MIN BUILDING SETBACK LINE

PROPOSED ⑧B
GODDARD SCHOOL
FF = 463.00

LOT AREA
1.3 AC±

R

LOADING SPACE
(10'x25')

462.00

43 PARKING SPACES
(INCLUDES 2 HANDICAP)

⑨

⑨

465

PROP SO

⑩

30' MIN BUILDING SETBACK LINE

455

FENCE ENCLOSED
RECREATIONAL
AREA 0.4 AC±

30' MIN BUILDING SETBACK LINE

PROP WATER SERVICE

460

460

FREESTANDING
IDENTIFICATION SIGN

EX EDGE PAVEMENT

EX 12" WATER (H.C. CNTR. 9449-APPROX LOC)

EX 18" RCOP

EX 24" RCOP

EX EDGE OF PAVEMENT

EX EDGE OF PAVEMENT

WATER TOWER WAY

LOAD

LOT ①
6.5264 ACRES
PLAT REF 111/23

MsB2

WaB

JAMES M. HARKINS
HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.
DIRECTOR OF ADMINISTRATION



J. STEVEN KAI-ZIEGLER
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

February 11, 2004

STAFF REPORT

BOARD OF APPEALS CASE NO. 5398

APPLICANT/OWNER: Bynum Run LLC
15 West Aylesbury Road, Suite 400, Timonium, Maryland 21093

Co-APPLICANT/OWNER: O'Brien Property Management LLC
400 Tall Sycamore Court, Bel Air, Maryland 21014

CONTRACT PURCHASER: O'Brien Property Management LLC
400 Tall Sycamore Court, Bel Air, Maryland 21014

REPRESENTATIVE: John J. Gessner
11 S. Main Street, P.O. Box 1776, Bel Air, Maryland 21014

LOCATION: Parcel C1 off of Robin Circle/Bynum Run Business Center
Tax Map: 40 / Grid: 1F / Parcel: 382 / Lot: C1
Election District: Third (3)

ACREAGE: 1.3 acres

ZONING: GI/General Industrial

DATE FILED: January 23, 2004

HEARING DATE: March 10, 2004

APPLICANTS' REQUEST and JUSTIFICATION:

See Attachment 1.

Preserving our values, protecting our future

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CODE REQUIREMENTS:

The Applicants are requesting a special exception pursuant to Section 267-53C(4)(b) of the Harford County Code to allow a day care center in a GI/General Industrial District.

Section 267-53C(4)(b) of the Harford County Code reads:

(b). *These uses may be granted in the CI, LI and GI Districts, provided that:*

[1] *Access to the facility shall be from a public road;*

[2] *In order to minimize children's exposure to noise and other emissions from roads, parking areas and industrial activities, the facility's outdoor play area shall be fenced and shall be screened with a combination of evergreen and deciduous trees that are at least six feet high;*

[3] *Before opening the facility, its operator shall file emergency evacuation and sheltering plans for the facility with the Emergency Operations Division and the three closest volunteer fire and ambulance companies; and*

[4] *The Board may deny an application if the proposed facility would be located near an industrial use that constitutes a potential hazard to the children in the facility.*

Enclosed with the report is a copy of Section 267-51 and 267-52 of the Harford County Code (Attachment 2).

Section 267-9I of the Harford County Code will be discussed in detail later in the report.

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The subject property (proposed Lot 8B) is to be a corner lot located on the north side of Granary Road and the west side of Water Tower Way, in the Bynum Run Business Park. A location map and copy of the Applicants' site plan are enclosed with the report (Attachments 3 and 4).

This area of the County is located within the Development Envelope. Land Use designations in the area include Medium Intensity and Industrial/Employment. The Natural Features Map reflects stream buffer systems. The subject property is designated as Industrial/Employment, which is defined by the 1996 Master Plan as:

Industrial/Employment – Areas of concentrated manufacturing, distribution, technical, research, office and other activities generally located along major transportation corridors.

Enclosed with the report are copies of portions of the 1996 Land Use Map and the Natural Resources Map (Attachments 5 and 6).

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Land Use – Existing:

The existing land uses in this area generally conform to the intent of the 1996 Master Plan. Residential development consists of single-family homes, townhouses and condominiums. Commercial uses include a mix of retail and personal and professional services. On the south side of Bynum Road is a single-family residential development, while on the north side is the Bynum Run Business Park. The subject property is proposed Lot 8B of the Business Park. Enclosed with the report is a copy of the aerial photograph (Attachment 7).

The lot will be rectangular in shape and approximately 1.3 acres in size. They will have frontage on Granary and Water Tower roads, which are County maintained roads. The topography of the site is generally rolling to gently sloping. It rises gently up from Granary Road; however, there is a high bank on the Water Tower Road side. The property is currently unimproved. The adjacent properties are also vacant at this time. Enclosed with the report are site photographs, a topography map and an enlargement of the aerial photograph (Attachments 8, 9 and 10).

Zoning:

The zoning classifications in the area generally conform to the intent of the Master Plan as well as the existing land uses. Residential zoning includes R2 and R3 Urban Residential Districts. Commercial zoning includes B1/Neighborhood, B2/Community, B3/General Business and CI/Commercial Industrial Districts. There are areas of AG/Agricultural and GI/General Industrial Districts. The subject property is zoned GI/General Industrial District as shown on the enclosed copy of the zoning map (Attachment 11).

SUMMARY:

The Applicants are requesting a special exception pursuant to Section 267-53C(4)(b) of the Harford County Code to allow a day care center in a GI/General Industrial District.

Section 267-53C(4)(b):

(b). These uses may be granted in the CI, LI and GI Districts, provided that:

The subject property is zoned GI/General Industrial District.

[1] Access to the facility shall be from a public road;

The lot will have frontage on two public roads, Granary Road and Water Tower Way. Access to the property will be from Granary Road (Attachment 12).

[2] In order to minimize children's exposure to noise and other emissions from roads, parking areas and industrial activities, the facility's outdoor play area shall be

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fenced and shall be screened with a combination of evergreen and deciduous trees that are at least six feet high;

According to the site plan (Attachment 4), the parking will be along Water Tower Way. The proposed building will be to the left side of the lot. The area around the building will be fenced for outdoor play.

Pursuant to this section, the Applicants are required to install fencing with a combination of landscape screening. The Applicants' site plan shows the fencing running along the front yard setback line and along the left side and rear property line. For the children's safety and for aesthetic purposes, the Department recommends that the fence on the left side property line and across the rear be located far enough from the property line to be adequately landscaped on the outside of the fenced area. A landscaping plan shall be reviewed during the site plan approval process.

[3] Before opening the facility, its operator shall file emergency evacuation and sheltering plans for the facility with the Emergency Operations Division and the three closest volunteer fire and ambulance companies; and

The Applicants must adhere to these requirements, which will be made a condition of approval. Evacuation plans shall be reviewed and approved during the site plan approval process.

[4] The Board may deny an application if the proposed facility would be located near an industrial use that constitutes a potential hazard to the children in the facility.

Most of this portion of the Business/Industrial Park is vacant land. The uses in the existing buildings located in other areas of the Business Park include service uses, warehousing and light manufacturing. At this time there does not appear to be any use which would constitute a potential hazard.

Section 267-9I:

(1) The number of persons living or working in the immediate area.

The subject property is located north of Bel Air and south of Hickory. This area of the County contains a mix of residential, commercial and light industrial uses. The day care facility will provide a service to persons living and working in the area.

(2) Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic, and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.

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The proposed day care facility is located close to Maryland Route 23, US Route 1 and Business Route 1. The traffic generated by the proposed day care center will not have an adverse impact on roads in this area.

- (3) *The orderly growth of the neighborhood and community and the fiscal impact on the County.*

The proposed use is permitted in the GI/General District as a special exception with Board approval. The Code established guidelines to be used to approve the proposed use, and as discussed in this report the Applicants can meet or exceed the standards.

- (4) *The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.*

The proposed use should not have an adverse impact regarding the above issues.

- (5) *Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the County or persons to supply such services.*

The Harford County Sheriff's Office and the Maryland State Police will provide police protection. The Bel Air and Forest Hill Volunteer Fire departments will generally provide fire and emergency protection to the site. Public water and sewer will serve the subject property. The Applicants are required to arrange for trash collection with a private hauler.

- (6) *The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*

The proposal is consistent with accepted planning principles. There are specific requirements for a day care center pursuant to Section 267-53C(4)(b) of the Harford County Code. The Applicants can meet these standards.

- (7) *The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.*

The proposed use will have no adverse impact on the uses mentioned above.

- (8) *The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*

The proposal is consistent with the intent of the Master Plan.

- (9) *The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*

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There are no environmentally sensitive features located on this property.

(10) *The preservation of cultural and historic landmarks.*

Not applicable to the request.

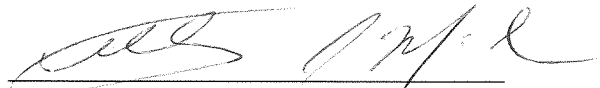
RECOMMENDATION and/or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions:

1. The Applicants shall submit a detailed site plan and preliminary plan to be reviewed and approved through the Development Advisory Committee.
2. The Applicants shall submit a detailed landscaping plan for review and approval by the Department of Planning and Zoning. The fencing around the play area shall be located in a manner to allow for landscaping on the outside of the fence.
3. The Applicants shall submit a final plat to the Department of Planning and Zoning for approval and recordation in the County Land Records.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/ka